

110.00/148
Group 152
PATENT

Docket No. 43853USA1D



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TARLOCHAN S. PUREWAL AND
DAVID J. GREENLEAF

Serial No.: 08/086,820

Filed: July 2, 1993

For: MEDICINAL AEROSOL
FORMULATIONS

) Examiner: W. Benston, Jr.

) Group Art Unit: 1502

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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b)

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Petitioner, Riker Laboratories, Inc., a corporation of the State of Delaware having a place of business at 3M Center, St. Paul, Minnesota, hereby represents that it is the exclusive owner of the entire interest in the above-identified Application, by virtue of an assignment recorded at Reel 5187, Frame 598-600, on November 28, 1989. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent No. 5,225,183, by virtue of an assignment recorded at Reel 5187, Frame 598-600, on November 28, 1989.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified Application which would extend beyond November 28, 2006, the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the above-identified patent, not shortened by terminal disclaimer. Petitioner hereby agrees that any patent granted on the above-identified Application shall be enforceable only for and during such period that the legal title to such patent and U.S. Patent No. 5,225,183 are commonly owned. This agreement is to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor, or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above-identified Application prior to the expiration date of the full statutory term, not shortened by terminal disclaimer, of U.S. Patent No. 5,225,183, if it: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term.

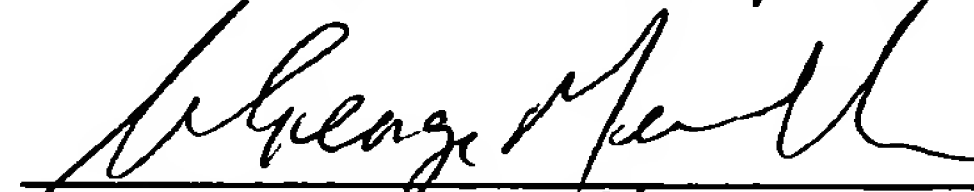
The undersigned (whose title is supplied below) is empowered to act on behalf of Petitioner.

Documents establishing the chain of title of the subject patent (including the aforementioned assignment and a recording location) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

A check in the amount of \$110.00 for the fee required by 37 C.F.R. 1.20(d) is submitted herewith. Please charge any additional fees or credit any overpayment to Deposit Account No. 13-3723.

RIKER LABORATORIES, INC.



W. George Meredith
Vice President and
General Manager

Date: November 16, 1994